

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Deborah K. Marler,)
Plaintiff,) Civil Action No. 6:11-3131-TMC
v.)
JP Morgan Chase Bank NA, Chase)
Home Finance LLC, and Seterus Inc.,)
Defendants.)

)

Plaintiff, proceeding *pro se*, originally filed this action in state court and Defendants removed this action to this court. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin made in accordance with 28 U.S.C. § 636(b)(1) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed a Report and Recommendation recommending this case be dismissed for failure to prosecute. The Plaintiff was advised of his right to file objections to the Report and Recommendation. (Dkt. # 25-1). However, Plaintiff has filed no objections to the Report and Recommendation.

In the absence of objections to the Magistrate Judge's Report, this court is not

required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge’s Report and Recommendation (Dkt. # 25) and incorporates it herein. It is therefore **ORDERED** that the case is **DISMISSED with prejudice** pursuant to Rule 41(b), Fed. R. Civ. P., and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Greenville, South Carolina
April 18, 2012

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.